

DECLARATION FOR PATENT APPLICATION AND APPOINTMENT OF ATTORNEY

As a below-named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention (Design, if applicable) entitled: **TRANSCEIVER MODULE**

the specification of which (check one):

- ☒ is attached hereto.
☐ was filed on _____ as Application Serial No. _____, and was amended on _____ (if applicable).
☐ was filed on _____ as International Application (PCT) No. _____, and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with *Title 37, Code of Federal Regulations, § 1.56(a)*. I hereby claim foreign priority benefits under *Title 35, United States Code § 119* of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which the priority is claimed.

PRIOR FOREIGN APPLICATION(S)

| NUMBER | COUNTRY | DAY/MONTH/YEAR FILED | PRIORITY CLAIMED |
|--------|---------|----------------------|--|
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

I hereby claim the benefit under *Title 35, United States Code, § 120* of any United States application(s) or PCT international application(s) designating The United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of *Title 35, United States Code, § 112*, I acknowledge the duty to disclose material information as defined in *Title 37, Code of Federal Regulations, § 1.56(a)* which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

| APPLICATION NUMBER | FILING DATE | STATUS (Patented, Pending or Abandoned) |
|--------------------|-------------|---|
| | | |
| | | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under *Section 1001 of Title 18 of the United States Code*, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: I (We) hereby appoint as my (our) attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Ajay A. Jagtiani, Registration Number 35,205 and Mark J. Gutttag, Registration Number 33,057.

Send correspondence to: **JAGTIANI + GUTTAG**
 10363-A Democracy Lane
 Fairfax, Virginia 22030

Telephone calls to: **Ajay A. Jagtiani**
 (703) 591-2664

☒ See following pages for additional joint inventors.

| | | | |
|--|---------------------|--|---------------------|
| Full Name of First or Sole Inventor KAYNER, Andrew | | Citizenship United States | |
| Residence Address - Street 919 Lincoln Place | | Post Office Address Street 919 Lincoln Place | |
| City Boulder | | City Boulder | |
| State or Country Colorado | Zip 80302 | State or Country Colorado | Zip 80302 |
| DATE 02-11-04 | | SIGNATURE <i>Andrew Kayner</i> | |

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|---|---|
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| Residence Address - Street 1313 Iris Circle 1186 RHONDA CREST CIRCLE | Post Office Address Street 1313 Iris Circle 1186 RHONDA CREST CIRCLE |
| City Broomfield RIVERTON | City Broomfield RIVERTON |
| State or Country Colorado UTAH Zip 80020 84065 | State or Country Colorado UTAH Zip 80020 84065 |
| DATE 2/20/04 | SIGNATURE <i>Andrew Moore</i> |

| | |
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| Full Name of Additional Joint Inventor TOWER, Susan | Citizenship United States |
| Residence Address - Street 834 Eldorado Avenue | Post Office Address Street 834 Eldorado Avenue |
| City Nederland | City Nederland |
| State or Country Colorado Zip 80466 | State or Country Colorado Zip 80466 |
| DATE | SIGNATURE |

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|---|--|
| Full Name of Additional Joint Inventor RENOUX, Gerald | Citizenship United States |
| Residence Address - Street 2057 Spring Gulch Drive | Post Office Address Street 2057 Spring Gulch Drive |
| City Lyons | City Lyons |
| State or Country Colorado Zip 80540 | State or Country Colorado Zip 80540 |
| DATE | SIGNATURE |

| | |
|--|---|
| Full Name of Additional Joint Inventor YUNKER, Bryan | Citizenship United States |
| Residence Address - Street 1194 Twin Peaks Circle | Post Office Address Street 1194 Twin Peaks Circle |
| City Longmont | City Longmont |
| State or Country Colorado Zip 80503 | State or Country Colorado Zip 80503 |
| DATE | SIGNATURE |

☐ See following pages for additional joint inventors.

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|--|---------------------|---|---------------------|
| Full Name of Additional Joint Inventor MOORE, Andrew | | Citizenship United States | |
| Residence Address - Street 1313 Iris Circle | | Post Office Address Street 1313 Iris Circle | |
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| DATE | | SIGNATURE | |

| | | | |
|---|---------------------|--|---------------------|
| Full Name of Additional Joint Inventor TOWER, Susan | | Citizenship United States | |
| Residence Address - Street 834 Eldorado Avenue | | Post Office Address Street 834 Eldorado Avenue | |
| City Nederland | | City Nederland | |
| State or Country Colorado | Zip 80466 | State or Country Colorado | Zip 80466 |
| DATE 2/11/04 | | SIGNATURE <i>Susan M. Tower</i> | |

| | | | |
|---|---------------------|--|---------------------|
| Full Name of Additional Joint Inventor RENOUX, Gerald | | Citizenship United States | |
| Residence Address - Street 2057 Spring Gulch Drive | | Post Office Address Street 2057 Spring Gulch Drive | |
| City Lyons | | City Lyons | |
| State or Country Colorado | Zip 80540 | State or Country Colorado | Zip 80540 |
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|--|---------------------|---|---------------------|
| Full Name of Additional Joint Inventor YUNKER, Bryan | | Citizenship United States | |
| Residence Address - Street 1194 Twin Peaks Circle | | Post Office Address Street 1194 Twin Peaks Circle | |
| City Longmont | | City Longmont | |
| State or Country Colorado | Zip 80503 | State or Country Colorado | Zip 80503 |
| DATE | | SIGNATURE | |

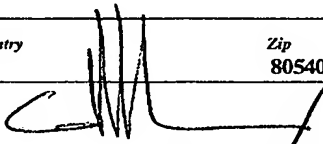
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| <i>Residence Address - Street</i> 1313 Iris Circle | | <i>Post Office Address Street</i> 1313 Iris Circle | |
| <i>City</i> Broomfield | | <i>City</i> Broomfield | |
| <i>State or Country</i> Colorado | <i>Zip</i> 80020 | <i>State or Country</i> Colorado | <i>Zip</i> 80020 |
| <i>DATE</i> | | <i>SIGNATURE</i> | |

| | | | |
|--|----------------------------|---|----------------------------|
| <i>Full Name of Additional Joint Inventor</i> TOWER, Susan | | <i>Citizenship</i> United States | |
| <i>Residence Address - Street</i> 834 Eldorado Avenue | | <i>Post Office Address Street</i> 834 Eldorado Avenue | |
| <i>City</i> Nederland | | <i>City</i> Nederland | |
| <i>State or Country</i> Colorado | <i>Zip</i> 80466 | <i>State or Country</i> Colorado | <i>Zip</i> 80466 |
| <i>DATE</i> | | <i>SIGNATURE</i> | |

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| <i>State or Country</i> Colorado | <i>Zip</i> 80540 | <i>State or Country</i> Colorado | <i>Zip</i> 80540 |
| <i>DATE</i> 2/17/04 | | <i>SIGNATURE</i>  | |

| | | | |
|---|----------------------------|--|----------------------------|
| <i>Full Name of Additional Joint Inventor</i> YUNKER, Bryan | | <i>Citizenship</i> United States | |
| <i>Residence Address - Street</i> 1194 Twin Peaks Circle | | <i>Post Office Address Street</i> 1194 Twin Peaks Circle | |
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| <i>State or Country</i> Colorado | <i>Zip</i> 80503 | <i>State or Country</i> Colorado | <i>Zip</i> 80503 |
| <i>DATE</i> | | <i>SIGNATURE</i> | |

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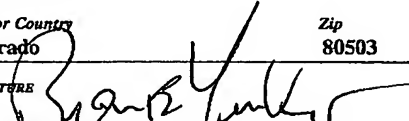
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| <i>City</i> Broomfield | | <i>City</i> Broomfield | |
| <i>State or Country</i> Colorado | <i>Zip</i> 80020 | <i>State or Country</i> Colorado | <i>Zip</i> 80020 |
| <i>DATE</i> | | <i>SIGNATURE</i> | |

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| <i>City</i> Nederland | | <i>City</i> Nederland | |
| <i>State or Country</i> Colorado | <i>Zip</i> 80466 | <i>State or Country</i> Colorado | <i>Zip</i> 80466 |
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| <i>Full Name of Additional Joint Inventor</i> RENOUX, Gerald | | <i>Citizenship</i> United States | |
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| <i>City</i> Longmont | | <i>City</i> Longmont | |
| <i>State or Country</i> Colorado | <i>Zip</i> 80503 | <i>State or Country</i> Colorado | <i>Zip</i> 80503 |
| <i>DATE</i> 2-13-04 | | <i>SIGNATURE</i>  | |

☐ See following pages for additional joint inventors.

| | | |
|--|--|------------------------------|
| Applicant or Patentee: Picolight Incorporated | | Docket #: PICO-0046-1 |
| Serial or Patent Number: To be assigned | | Examiner: |
| Filed or Issued: Concurrently herein | | Art Unit: |
| For: TRANSCIVER MODULE | | |

**VERIFIED STATEMENT (DECLARATION) BY A SMALL BUSINESS CONCERN
CLAIMING SMALL ENTITY STATUS UNDER 37 C.F.R. §§ 1.9(F) AND 1.27(C)**

I hereby declare that I am

- ☒ the owner or officer of the small business concern identified below:
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: **Picolight Incorporated**
Address: **4665 Nautilus Court South**
Boulder, CO 80301

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, **does not exceed 500 persons**. For purposes of this statement, (1) the number of employees is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the matter described in:

- ☐ The specification filed herewith, with the title as listed above.
☒ The patent application identified above.
☐ The PCT International patent application identified above.
☐ The patent number identified above.

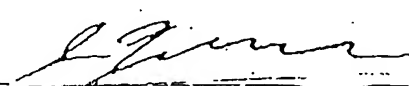
If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern who would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). Each person or organization having any rights in the invention is listed below:

- ☒ No such person, concern or organization.
☐ Each such person, concern or organization as listed below:

| | |
|-----------|---|
| FULL NAME | <input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization |
| ADDRESS | |

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which the verified statement is directed.

| | |
|---|---|
| NAME AND TITLE Jack Jewell, CTO | DATE |
| ADDRESS 4665 Nautilus Court South Boulder, CO 80301 | SIGNATURE  |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : TO BE ASSIGNED
Applicant : KAYNER, ET AL.
Filed : CONCURRENTLY HERewith
Title : TRANSCEIVER MODULE

Art Unit : TO BE ASSIGNED
Examiner : TO BE ASSIGNED

Atty Docket No. : PICO-0046-1

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ASSOCIATE POWER OF ATTORNEY

Sir:

I hereby appoint Steven J. Prewitt, Registration Number 45,023; Michael G. Verga, Registration Number 39,410; and Raymond J. Ho, Registration Number 41,838 as my associate attorneys in the above-captioned application, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent and to transact all business in the Patent Office connected therewith.

However, please continue to address all future communications to the undersigned attorney at the following:

Ajay A. Jagtiani
JAGTIANI + GUTTAG
10363-A Democracy Lane
Fairfax, Virginia 22030

Respectfully submitted,



Ajay A. Jagtiani
Registration Number 35,205

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(703) 591-2664

February 19, 2004